

ORIGINAL

FILED

March 4 2010

IN THE SUPREME COURT OF THE STATE OF MONTANA
No. DA 09-0048

Ed Smith
CLERK OF THE SUPREME COURT
STATE OF MONTANA

STATE OF MONTANA

Plaintiff and Appellee,

v.

NICOLE GUILL,

Defendant and Appellant.

FILED

MAR 04 2010

Ed Smith
CLERK OF THE SUPREME COURT
STATE OF MONTANA

SECOND MOTION FOR EXTENSION OF TIME

COMES NOW, Colin M. Stephens, counsel of record for Defendant and Appellant, and respectfully requests a second extension of time until April 13, 2010, in which to prepare, file and serve the Appellant's opening brief in the above entitled matter. *See* attached affidavit. Opposing counsel has been contacted concerning this motion and does not object.

DATED this 2nd day of March, 2010

COLIN M. STEPHENS
Smith & Stephens, P.C.
315 West Pine
Missoula, MT 59802

By: _____

COLIN M. STEPHENS
Attorney for the Appellant

CERTIFICATE OF SERVICE

I hereby certify that I caused a true and accurate copy of the Motion for Extension of Time to be mailed to:

COLEEN MAGERA
Sanders County Attorney
P.O. Box 519
Thompson Falls, MT 59873-0519

STEVE R. BULLOCK
Montana Attorney General
MARK MATTIOLI
Assistant Attorney General
215 North Sanders
Helena, MT 59620-1401

NICOLE GUILL 3000065
Montana Women's Prison
701 South 27th Street
Billings, MT 59101

DATED: March 3, 2010

Ken Tim

FILED

STATE OF MONTANA)
 :SS.
COUNTY OF MISSOULA)

MAR 04 2010

Ed Smith
CLERK OF THE SUPREME COURT
STATE OF MONTANA

I, Colin M. Stephens, being first duly sworn upon my oath, depose and state as follows:

1. I am a licensed, practicing attorney in the State of Montana, and am currently employed by the Office of State Public Defender, Appellate Defender Office, as a contract attorney.

2. In my capacity as a contract attorney, I have been assigned to handle the above-entitled matter.

3. The Appellant's opening brief was first due October 13, 2009. The brief is presently due on March 13, 2010.

4. As shown below, I have exercised diligence and have a substantial need for the extension.

5. The record for the above entitled matter is exceptionally large, filling more than five banker's boxes, and it has taken longer than expected to examine the contents in order to fully comprehend all potential issues to be appealed. Further, it appears that there is a companion case, *State v. Douglas Guill*, before this Court. The attorney for Douglas Guill, Michael Sherwood, also represented Nicole Guill for a time. That has complicated matters because portions of the file

contain pleadings with both Douglas's and Nicole's name jointly, because the cases were once joined.

6. Additionally, preparation for another client who unexpectedly decided to proceed to trial in federal court this month has limited the amount of time I can allocate to the above-entitled matter thereby precluding me from fulfilling my duty to effectively represent the Defendant and Appellant.

7. I will work diligently to complete the matter in the time requested.

8. Opposing counsel has been contacted concerning this motion and does not object.

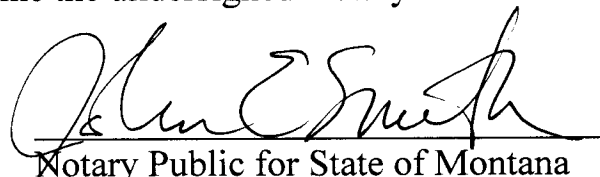
9. Further your affiant sayeth naught.

DATED: 3/3/10


COLIN M. STEPHENS

SUBSCRIBED AND SWORN TO before me the undersigned Notary Public this 3rd day of March 2010.

(SEAL)


Notary Public for State of Montana
Residing in Missoula, MT
My Commission Expires: 5-15-10